

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 581 - SB 1440

March 29, 2021

**SUMMARY OF ORIGINAL BILL:** Authorizes notification to be published in a newspaper if postal addresses of certain parties cannot be ascertained in conservatorship proceedings. Establishes that the petitioner is responsible for certain court costs, filing fees, and publication costs. Requires that certain examination reports in conservatorship proceedings are confidential and not open for inspection by the public.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (005451):** Deletes and replaces language of the original bill to clarify that certain examination reports in conservatorship proceedings being confidential does not limit the respondent or the respondent's agent or attorney from having access to them, nor does it prohibit an investigative body from accessing them as authorized or required by law.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 34-1-108, notice is required to be served upon the closest relative or relatives of the respondent. Service by mail sent to the last known address of such persons is sufficient.
- Under this legislation, if, after reasonable effort, a postal address cannot be ascertained, a notification may be published in a newspaper of general circulation in the county where the petition is filed, or if there is no newspaper of general circulation published in the county, notice may be posted at the county courthouse with some circumstantial exceptions.
- Per the language of this legislation, court forms that do not comply may be used until current supplies are exhausted and new forms prepared; therefore, there will not be an increase in expenditures as a result of printing out of circulation.

- Any increase in caseloads to probate courts can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Requiring that certain examination reports in conservatorship proceedings are confidential and not open for inspection by the public will not result in a significant fiscal impact to local government.
- This legislation requires the petitioner to be responsible for the court costs necessary for initiating the proceedings, including filing fees and costs associated with required notices and publication; therefore, there will not be a significant impact to local government expenditures.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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